THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 9620 OF 2005

Dated: 7th October,2005.

Between:-

Padidala Rama Rao …Petitioner

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1. The District Collector, Warangal and Others …Respondents

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 9620 OF 2005

ORDER:

1. This writ petition has been filed by Padidala Rama Rao assailing the action of the Mandal Revenue Officer in orally directing him not to effect repairs/carrying out development to the well situated in Sy.No.648,649, of Mogullapalli village and

mandal, Warangal District as illegal and arbitrary.

2. The petitioner is owner of Ac. 8-00 of land comprising Survey Nos. 648 and 649 of Mogullapalli village and Mandal, Warangal District. He started digging a well for irrigation purpose. Respondents No. 4 and 5 made complaint to the Mandal Revenue Officer, alleging that the petitioner is digging a well in violation of the provisions of A.P. Water, Land and Trees Act, 2002. The Mandal Revenue Officer got the land inspected by the Mandal Revenue Inspector. The Mandal Revenue Inspector submitted a report which formed the basis for the Mandal Revenue Officer to address a letter to the Revenue Divisional Officer vide proceedings No.405 of 2005, dated 25-2-2005. Pending further orders to be passed by the Revenue Divisional Officer, the Mandal Revenue Officer orally instructed the petitioner not to carry out repairs to the well. Hence, this writ petition.

3. Respondent No.3 stated in the counter affidavit that he orally instructed the petitioner not to carry out repairs or dig a well pending orders to be passed by the Revenue Divisional Officer. Para 3 of the counter affidavit reads as follows:

> *"It is true that the petitioner is having agricultural land in Sy.No. 648 and 649 of Mogullapalli village and Mandal. The petitioner without obtaining prior permission from the competent authority illegally dug a well within 30 meters from the existing well of the respondents 4 and 5. Complaining the same, the respondents 4 and 5 launched a complaint before this respondent on 24-1-2005 complaining that the water level of their existing well will be affected. On receiving the complaint, I issued directions to the Mandal Revenue Inspector to enquire into the matter. As such, the Mandal Revenue Inspector inspected the well in question and reported that the writ petitioner dug the well and carrying out certain repairs within 30 meters from the existing well of the respondents 4 and 5 and requested for taking necessary action under the provisions of the A.P. WALT Act 2002. It is to be submitted that the Rule 12(1) of the A.P.WALTA RULES clearly indicates that any person or institution desiring to dig a new well of any kind in their premises should obtain permission by submitting to the authority having jurisdiction over the area. Hence, the contention of the petitioner that no permission is required for digging a well is absolutely false and incorrect. Admittedly, the petitioner even without applying and without getting any permission, illegally dug a well which is in violation of the provisions of the AP.WALT Act. It is submitted that basing on*

the report of the Mandal Revenue Officer, Mogullapalli dt. 25-1-2005, this respondent orally directed the petitioner to stop digging of the well. While carrying out the construction of new well, simultaneously the writ petitioner approached this Hon'ble Court by filing the present Writ Petition and obtained interim directions not to interfere with the petitioner from effecting repairs carrying out development work to the well. By virtue of the interim orders the petitioner has completed the digging of the well without any prior permission and without any application, which contemplates under the provisions of the AP WALT Act is very much necessary. Hence, the complaint of the petitioner that this respondent without any jurisdiction orally directed the petitioner in stopping the petitioner's activity in his well is baseless. In fact, the petitioner approached this Hon'ble Court even before passing the final orders by this respndent and obtained interim orders. Hence, the Writ Petition maybe dismissed with costs so that necessary action will be initiated for closure of the well by following due procedure contemplated under the Act.

There are no merits in the Writ Petition and is liable to be dismissed with costs".

4. Heard the learned counsel for the petitioner and learned Government Pleader appearing for Respondents No. 1 to 3 and learned counsel for the Respondents No. 4 and 5.

5. Respondents No. 4 and 5 submitted complaint before the Mandal Revenue Officer complaining that the petitioner is digging a well without obtaining permission under the Andhra Pradesh, Water, Land and Trees Act, 2002 (herein after referred to as 'the Act'). The Mandal Revenue Officer got inspected the land of the petitioner through Mandal Revenue Inspector. There after, he sent a report to the Revenue Divisional Officer who is competent authority under the Act to pass appropriate orders.

6. In the circumstances, I deem it appropriate to direct the Revenue Divisional Officer-2nd respondent to consider the report submitted by the 3rd respondent-Mandal Revenue Officer and pass appropriate orders within one month from the date of receipt of a copy of this order. No order as to costs.

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B.Seshasayana Reddy,J

6th October, 2005.

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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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W.P.No. 9620 OF 2005

6th October, 2005.

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